

Asheville City Council
Planning and Economic Development Committee

2:00 p.m. – 3:30 p.m., July 11, 2007
Economic Development Office Conference Room

Minutes

Present: Councilman Jan Davis, Chair; Vice Mayor Holly Jones; Staff members: Sam Powers, Bob Oast, Alan Glines, Shannon Tuch, Stephanie Monson, Laura Turner, Robert Griffin, City Manager Gary Jackson

Guests: Kate O'Hara and Ron Townley – Land of Sky; Bobby Soule – Lamar Outdoor Advertising

The Planning and Economic Development Committee met on July 11, 2007 at 29 Haywood Street at 2:00 p.m. Chair Jan Davis called the meeting to order. He announced that the agenda was to be rearranged, due to Bob Oast's time limitations, and the need for Mr. Oast to be present during the air rights discussion.

1. Approval of Minutes

The minutes from the May 9, 2007 were not available.

2. New Business

Air Rights Policy

Sam Powers gave a powerpoint presentation discussing why and how air rights affect downtown areas. The question was directed towards Council as to what Council wants to see be public policy, and whether or not Council still approves of the current policy. Bob Oast reported that a City requirement for an encroachment is that the structure encroaching can be easily removed. Not many other communities charge for encroachments, because they want to encourage development opportunities for above-shop space.

Discussion ensued regarding tree landscaping and interplay with balconies, benefit of balconies to downtown, and the lack of ability by City to end bid process on the air rights at 82 Patton Avenue at this time. Both Chairman Jan Davis and Vice Mayor Holly Jones expressed their concern over the bidding process as it is now.

Committee members discussed different components of air rights for encroachments into the public right-of-ways, process, upset bids received, folks who think that we should rethink our policy regarding balconies and what they bring to downtown.

Members wanted to know how the process interplays with tree landscaping? Staff responded that landscaping is looked at in a case by case basis; that street level vegetation in the downtown area wouldn't be affected by balconies. Balconies should be designed to take into consideration pedestrian corridors and street level vegetation.

Staff indicated that the law requires us to implement a competitive process, and that the upset bid process is the most efficient (a sealed bid, and an auction are two other ways).

Staff will prepare some options based on continued research to present to the full Council.

3. Presentation

Digital Billboards – Lamar Outdoor Advertising

Lamar is a major billboard owner. Mr. Bobby Soule made a presentation on new digital display units. (See attached powerpoint presentation.)

Chairman Davis asked about the ability of City Council to regulate brightness, especially as daylight changes. Staff responded by stating that Council could include an ordinance regarding “pitch,” and Lamar would be happy to provide documentation from the manufacturer regarding ideal pitch. It was agreed that the City should not allow lower quality LCD billboards – there should be 23 or less. The presenters suggested that Council and staff observe the current LCD billboard on I-26 during both day and night hours to better visualize their product.

Committee members asked what would be required to make changes to the Billboard regulations. Staff indicated that the City would need a change to the sign ordinance. Chairman Davis stated that because such signs are a sensitive issue, Council should consider if we need a focus group, or just a staff recommendation to the Planning and Zoning Committee regarding this change.

4. Status Report

Land-of-Sky – Brownfield Grant Application

Staff provided an update on the Brownfield Initiative through Land-of-Sky. A new EPA grant program is forthcoming and Land-of-Sky can apply on behalf of the City. It would be a pass-through grant; and the City would be fiscally responsible to the EPA.

There are grants for assessment, and other grants available for clean-ups.

The process would be the following: Land-of Sky would make the grant application on the City’s behalf, and, if approved, the City would be eligible for up to \$200,000. Land-of-Sky is capable of managing the grant, with half of the funds going towards a consultant. A certain level of community outreach would be required (a public hearing on the grant application, which Land-of-Sky could assist with). The City would also need to contact the State, indicating that we want to enter into the State Brownfields program and must meet the requirements for eligibility. Land-of-Sky would then investigate whether or not the City is eligible for the EPA funds.

Sam Powers will work with Gary and Keisha to put this on the Council agenda , and will use the City Council meeting as the public meeting that satisfies the EPA

requirement. PED members supported the program and asked staff to move forward with this as quickly as possible.

5. New Business

Urban Progress Zones

The Urban Progress Zone is a major initiative for the City, building on the State's economic development incentives. The UPZ is somewhat like former State development zones, part of the State's tax credits program instituted by a legislative act. Staff described what businesses could be eligible and noted that the Chamber of Commerce and the EDC are interested in this. Laura Turner, summer intern with the Office of Economic Development, has done the GIS analysis, and has identified three potential urban progress zones: Zone 1 is the Westgate Mall and the old Square D plant, Regent Park, part of Broadway Avenue, the BellSouth property and some of the River District; Zone 2 is a portion of Smokey Park Highway and Leicester Highway, and the Milko plant in Deaverview; Zone 3 is relatively small and includes a part of Hendersonville Road and Sweeten Creek Road. Staff explained how staff tried to get certain areas included in Urban Progress Zones, but based on census tract demographics and the requirements of area and zoning, the three areas listed above were all that qualified. As a next step, the City needs a resolution authorizing the application. The PED Committee would like to move this forward and staff will take it to Council.

6. Updates

UDO Amendments and Planning Studies

Shannon Tuch and Alan Glines were available to answer questions.

Building Safety issues

Robert Griffin was available to answer questions.

Shannon Tuch noted that a major UDO amendment is the mixed-use district; the Ordinance approved by the Planning and Zoning Committee. An amendment will be presented to the Planning and Zoning Committee based on input from a focus group. Merrimon Avenue is not on agenda until the August meeting to allow for parking issues to catch up.

PED Committee members questioned Robert Griffin, Director of Building Safety, regarding the Merrimon Avenue situation concerning the collapsed building demolition. The rough cost for completing the demolition does not include potential damage to the surrounding areas. Mr. Johnson, the property owner, has reactivated the permit, and notified the developer that he would meet the deadline. The City's Legal Counsel is advising against fining him, as Mr. Johnson has already being fined over water quality issues. Mr. Griffin was asked if it was possible to place a lien on the property, and responded that it is probably not worth as much as we are paying to clean it up because of the creek running diagonally beneath the property.

Committee members commented that there are community concerns about what will happen to the surrounding buildings once the structure is completely demolished, as the Estate will keep the insurance money so there is no way for the City to make Mr. Johnson clean it up. Mr. Griffin's plan is to secure the bids and complete the paperwork for Council to authorize cleanup if action is not taken up to two weeks prior to the expiration of the permit.

7. Public Comment

None

Regular meeting adjourned at 4:05 p.m.